

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

(Hearing and Oral Argument Waived)

**SUPPLEMENTAL REQUEST FOR AN ENTRY OF AN ORDER ALLOWING
DEFENDANTS TO SUBMIT ON A HARD DRIVE ELECTRONIC COPIES OF
CERTAIN TRIAL EXHIBITS TO THE CLERK OF THE COURT**

Defendants Cox Communications, Inc. and CoxCom, LLC (“Cox”), respectfully move this Court for a supplemental order for leave to file certain voluminous trial exhibits on a hard drive, rather than in hard copy. In support, Cox states as follows:

1. Local Civil Rule 79 states that “[i]n all civil actions, unless otherwise ordered by the Court, the party intending to offer exhibits at trial shall place them in a binder, properly tabbed, numbered, and indexed, and the original and two (2) copies shall be delivered to the Clerk, with copies in the same form to the opposing party, one (1) business day before the trial. The submitting party may substitute photographs for demonstrative or sensitive exhibits.”

2. The following Cox trial exhibits have been submitted electronically, pursuant to the Court’s order at ECF 601: DX 4, DX 23, DX 29, DX 30, DX 31, DX 46, DX 47, DX 48, DX 55, DX 56, DX 57, DX 59, DX 100, DX 122, DX 125, DX 141, DX 142, DX 143, DX 154, DX 155, DX 156, DX 157, DX 158, DX 159, DX 160, DX 161, DX 213, DX 249, DX 251, DX 333, DX 336, DX 337, DX 350, DX 351, DX 352, DX 353, DX 354, DX 355, DX 356, DX 357, DX 358, DX 359, DX 360, DX 361, DX 362, DX 3757.

3. On November 29, 2019, Defendants submitted 3 copies of Defendants' trial exhibits DX 1 through DX 346 and DX 348 through DX 396 along with a hard drive of exhibits that were permitted to be submitted electronically pursuant to the order at ECF 601.

4. Defendants supplement their prior motion with the identification of additional exhibits that would be impractical to print and file with the Court.

5. DX 347 is impractical to print as it is comprised of 491,451 pages.

6. DX 3695 is impractical to print as it is comprised of 407,332 pages.

7. DX 3696 is impractical to print as it is comprised of 15,565 pages.

8. In addition, the exhibits at DX 397 through DX 3694 and DX 3697 through DX 3756, when printed, fill 18 file boxes. Due to the volume of these exhibits, it is more practical to submit them electronically on a hard drive.

9. For these reasons, Defendants did not submit the aforementioned exhibits in hard copy.

10. Under the Rules, the Clerk "must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice." Fed. R. Civ. P. 5(d)(4). Cox seeks an order allowing the Clerk to accept the hard-drive for filing with the judicial record in this case.

11. A proposed order allowing this relief is submitted herewith.

For the reasons stated above, Cox asks this Court for entry of the attached order.

Dated: November 29, 2019

Respectfully submitted,

s/ Thomas M. Buchanan
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CERTIFICATE OF SERVICE

I certify that on November 29, 2019, a copy of the foregoing was filed electronically with the Clerk of Court using the ECF system, which will send notifications to ECF participants.

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